THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.27909 of 2005

Date:29.12.2005

Between:

Smt.D.Vijayamma

--------PETITIONER

The Government of A.P. and others

---------RESPONDENTS

ORDER:

The petitioner was appointed as a secondary grade teacher in the fourth respondent-school against an unaided vacancy in 1994. She states that an aided post in the school became vacant on 28.02.1005 on account of the retirement of Smt.Sk.Asmath Begum. The management of the fourth respondent-school submitted proposals on 01.03.2005 to the third respondent for absorption of the petitioner against the existing vacancy. No action has been taken thereon. The petitioner seeks appropriate directions in this regard.

Heard the learned counsel for the petitioner and the learned Government Pleader for School Education.

The very purpose of requiring the approval of appointment of teachers even against unaided vacancies is to ensure that as and when the aided posts become vacant, the candidates so appointed be absorbed against them, without undertaking any further process of selection and appointment. The ban imposed by the Government on appointment operates against induction of new candidates. Once the appointment of the petitioner has been approved against an unaided vacancy and an aided post has become vacant, there does not exist any justification for the third respondent in delaying the matter. On account of such inaction or delay, the educational institutions are suffering and to that extent, it would be a sad reflection

on the functioning of the department itself.

In the recent past, the Government had already undertaken the process of rationalization, with a view to ascertain the necessity to continue the various aided posts in the institutions. There does not exist any justification to remain silent, even after such exercise was undertaken. Further, if there are any indiscernible difficulties, the third respondent is under obligation to pass appropriate orders on the proposals submitted by the fourth respondent.

For the foregoing reasons, the writ petition is disposed of, directing the third respondent to consider the proposals submitted by the fourth respondent on 01.03.2005 for absorption of the petitioner against an aided vacancy and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order. No costs.

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29.12.2005

kdl